

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICKY RAY PERRY,
Petitioner,

v.

RAYMOND MADDEN,
Respondent.

NO. EDCV 15-2003-GW (AGR)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE


Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the other records on file herein, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the findings and recommendation of the Magistrate Judge.

On May 26, 2016, Petitioner filed a nine-line Motion To Submit A[n] Amended Petition. Petitioner presents no proposed amended petition. Civ. L.R. 15-1. Petitioner also does not state how the amended petition would cure the jurisdictional defect. The motion is DENIED.

1 Also on May 26, 2016, Petitioner filed a Motion Requesting [DNA] Testing
2 Pursuant to Penal Code § 1405(a). (He does not indicate that he has ever
3 sought such relief in the state courts.) Petitioner argues that such testing would
4 help him prove his actual innocence in San Bernardino County Superior Court
5 Case No. FWV1202704, which is not the subject of the current petition.
6 Petitioner has not filed a habeas or civil rights action based on Case No.
7 FWV1202704. The Court DENIES the DNA testing motion without prejudice to
8 his seeking relief in another action. The Clerk is DIRECTED to send Petitioner a
9 habeas packet.

10 IT IS ORDERED that judgment be entered granting Respondent's Motion
11 to Dismiss the petition.

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14 DATED: May 31, 2016



GEORGE H. WU
United States District Judge